

REMARKS

Claims 1-30 are pending in the application. Claims 1-30 stand rejected. Applicants herein amend claims 1, 3, 9, 10, 13, 14-18, 24, 28-30. Applicants request further review and examination in view of the claimed amendments.

Claim Rejections – 35 USC § 103

Claims 1-30 stand rejected under 35 U.S.C. 103(a) over U.S. Patent No. 6,694,336 to Multer in view of U.S. Patent No. 6,446,092 to Sutter, and further in view of U.S. Patent Publication No. 2004/0078568 to Pham. Applicants traverse these rejections.

The Office Action states that Pham describes “instructions for an operating system, the operating system including a kernel, wherein the kernel *includes a database management program integrated with a file system*, the database management program integrated with the file system configured to store data in the file system as file streams, generate items that include metadata for the file streams and store the items in the database management program.” (Emphasis added). Applicants disagree, however Applicants have amended the claim to clarify that the database management program encapsulates the file system.

The portion of Pham cited by the Examiner describes *exactly the opposite of what is claimed*, namely Pham describes a traditional database management system installed as a user mode application. Instead of being a part of the operating system, the operating system of Pham merely supports the execution “of applications, such as database management system (DBMS) 44 ... *in a user mode execution space*.” (Pham Abstract and Paragraph [0036]) (Emphasis added). This is nothing more than what a traditional operating system does. Moreover, instead of describing a database management program that encapsulates a file system, Pham describes a user mode database management program that can “interface to any number of conventional file systems.” (Pham Abstract and Paragraph [0036]). A traditional operating system supports the execution of user space applications by exposing interfaces to kernel mode processes and services. More specifically, the database management program does not encapsulate the file system. Pham describes nothing more than that and is

completely irrelevant to the claimed subject matter. In contrast, Applicants claim “an operating system, the operating system including a kernel, wherein the kernel *includes a database management program that encapsulates a file system.*” (Emphasis added). See, for example, paragraphs [0100]-[0105] and FIG. 3 for an example description of a storage platform according to at least one embodiment. Accordingly, for at least this reason Applicants respectfully request reconsideration of the rejection of claim 1.

Moreover, Applicants submit that the art of record fails to teach or suggest synchronizing with a remote computer that is non-synch-aware. Or put another way, the art of record fails to teach or suggest synchronizing two computers, wherein one of the computers does not include a synchronization subsystem that is compatible with the database management program running on the other computer system. Accordingly, for at least this reason Applicants respectfully request reconsideration of the rejection of claim 1.

Insomuch as independent claims 9, 13, 16, 24 and 28 recite similar elements to that of claim 1 they patentably define over the art of record for at least similar reasons as claim 1. Accordingly, Applicants respectfully request reconsideration of the rejections of claims 9, 13, 16, 24 and 28.

Dependent claims 2-8, 10-12, 14, 15, 17-23, 25-27, 29 and 30 depend directly or indirectly from claims 1, 9, 13, 16, 24 or 28 and patentably define over the art of record for at least similar reasons as claim 1. Accordingly, Applicants respectfully request reconsideration of the rejections of claims 2-8, 10-12, 14, 15, 17-23, 25-27, 29 and 30.

CONCLUSION

Applicants request the Examiner reconsider the rejections and issue a Notice of Allowance of all the claims.

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/David M. Platz/

David M. Platz

Registration No. 60,013

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439